

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID McKAY et al.,
Plaintiffs,
v.

No. C-06-1377 MMC

**ORDER RE: NOVEMBER 3, 2006
HEARING**

CHRISTIAN HAGESETH et al.,
Defendants.

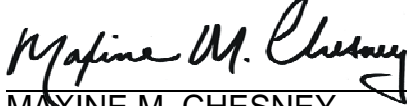
On November 3, 2006, the Court will hear oral argument on the motion filed September 29, 2006 seeking dismissal of the claims asserted against defendants Benjamin Kreis ("Kreis") and Gregg Tuttle ("Tuttle") for lack of personal jurisdiction and for failure to state a claim, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, as well as dismissal of the claims asserted against JRB Health Solutions LLC ("JRB"), pursuant to Rule 12(b)(6), for failure to state a claim.

Although the Court recognizes there is insufficient time for the parties to prepare supplemental briefing before the hearing, it would assist the Court if the parties were prepared to discuss at the hearing the circumstances under which a Court may exercise personal jurisdiction over an out-of-state corporate officer based on the officer's control over the corporation's contacts with the forum state. See, e.g., Davis v. Metro Productions, Inc., 885 F.2d 515, 520-24 (9th Cir. 1989); Seagate Technology v. A.J. Kogyo Co., Ltd.,

1 219 Cal. App. 3d 696, 701-706 (1990); Sheard v. Superior Court, 40 Cal. App. 3d 207, 210-
2 212 (1974); Holfield v. Power Chemical Co., Inc., 382 F. Supp. 388, 389-394 (D. Md.
3 1974).

4 **IT IS SO ORDERED.**

5 Dated: November 2, 2006


MAXINE M. CHESNEY
United States District Judge